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ATTORNEY DOCKET NO. 2003028-0051 (MIT 6834 / Ariad 022 US)
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pomerantz et al.
Serial No.: 08/366,083
Filing Date: December 29, 1994
Title: CHIMERIC TRANSCRIPTION FACTORS

Examiner: McKelvey
Art Unit: 1636

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

**TERMINAL DISCLAIMER TO OBVIATE
OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION
(37 C.F.R. §1.321(c))**

Identification of Person(s) Making This Disclaimer

I, Lita Nelsen, represent that I am:

- ☐ an inventor of this invention.
- ☐ an assignee of this invention.
- ☒ a representative authorized to sign on behalf of the assignee identified below.
- ☐ the attorney of record for this invention.

The assignee is:

Name of assignee: Massachusetts Institute of Technology

Address of assignee: 77 Massachusetts Avenue, Cambridge, MA 02139

Title of disclaimant authorized to sign on behalf of assignee: Director, Technology
Licensing Office

- ☒ The assignments were recorded on: April 28, 1995
Reel/Frame: 7455/0664, 7455/0671 and 7455/0674
- ☐ Authorization for recordal of the assignment is separately attached.

Establishing Right of Assignee to Take Action

- ☐ Attached is a Certificate under 37 C.F.R. §3.73(b) establishing the right of the assignee to take action in this case.
- ☒ A Certificate under 37 C.F.R. §3.73(b) establishing the right of the assignee to take action in this case was previously filed on: August 10, 1998

Extent of Disclaimant's Interest

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention.
- ☐ a sectional interest in this invention, as follows:

Disclaimer

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154-156 and 173 of:

- ☒ United States Patent No. 6,326,166, as presently shortened by any terminal disclaimer,

- ☐ Any patent granted on application number _____

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to:

- ☒ United States Patent No. 6,326,166, as presently shortened by any terminal disclaimer,

- ☐ Any patent granted on application number _____

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154-156 and 173 of:

- ☒ United States Patent No. 6,326,166, as presently shortened by any terminal disclaimer,

☐ Any patent granted on application number _____,


in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fee Payment

- ☐ Large entity fee: \$110.00
- ☒ Small entity fee: \$55.00.
- ☐ A verified statement is attached.
- ☒ A verified statement was already filed on: February 28, 1995.
- ☒ Attached is a check in the sum of \$55.00.
- ☒ Charge Account 03-1721 for any fee deficiency.
- ☐ Charge Deposit Account _____ the sum of \$ _____.

Declaration

As I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.


Signature of disclaimant
Date: 4/2/03

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LITA L. NELSEN, DIRECTOR
TECHNOLOGY LICENSING OFFICE



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**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Charles Lyon is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of the Choate, Hall & Stewart law firm to prepare and prosecute patent applications wherein the patent applicant is the client of the Choate, Hall & Stewart law firm, and the attorney or agent of record in the applications is a registered practitioner who is a member of the Choate, Hall & Stewart law firm. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Charles Lyon ceases to lawfully reside in the United States, (ii) Charles Lyon's employment with the Choate, Hall & Stewart law firm ceases or is terminated, or (iii) Charles Lyon ceases to remain or reside in the United States on an H1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the United States Patent and Trademark Office.

Expires: May 16, 2004

Harry I. Moatz
Director of Enrollment and Discipline